

CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2008-19

RESOLUTION TO PROPERLY MAINTAIN THE SUTTER BYPASS

WHEREAS, pursuant to Water Code Section 8533, the State of California has a “primary and supreme interest” in confining the waters of the Sacramento River and its bypasses to their respective channels and boundaries; and

WHEREAS, pursuant to Water Code Section 8361(d), it is the duty of the Department of Water Resources (DWR) to maintain the Sutter Bypass on the Sacramento River; and

WHEREAS, the Central Valley Flood Protection Board (Board) has obtained flowage easements for the Sutter Bypass that give the Sacramento and San Joaquin Drainage District, whose authority is now held by the Central Valley Flood Protection Board, the authority to clear vegetation or other impediments that the Board deems necessary to permit the free flow of water through the Bypass for proper flood control operations; and

WHEREAS, it is the Board’s mission to cooperate with State agencies in maintaining flood-control works; and,

WHEREAS, even without Bypass inundation, there are favorable conditions to support vegetative growth annually in the Sutter Bypass resulting in substantial obstruction of flows within the Bypass requiring annual maintenance; and

WHEREAS, a levee failed on the Sutter Bypass’ right bank in 1997 and a survey by Sutter County showed an impediment to flood flows coincidental to existing vegetation immediately downstream of the location of the failure; and

WHEREAS, most landowners in the Sutter Bypass may be unaware of the specific flowage easement language in favor of the Board that is appurtenant to the landowners’ property due to incomplete summaries and a lack of emphasis during the title-transfer process.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL VALLEY FLOOD PROTECTION BOARD THAT:

1. The Board will direct the Department of Water Resources to maintain the Sutter Bypass in accordance with the criteria established by the U.S. Army Corps of Engineers (Corps).

2. The Board, in coordination with DWR, shall notify all landowners in the Sutter Bypass, who are in violation of the flowage easement, with a copy of the easement appurtenant to their property and inform them of their duties, rights, and likely activities of the Department of Water Resources regarding the enforcement thereof.

3. The Board will retain qualified scientists to peer review the Sutter Wildlife Refuge model developed by the Department of Water Resources to evaluate the impact of vegetation on surface-water elevation and, if the Board determines that the model is scientifically valid, will direct staff to use this model, as may be appropriate, in conjunction with the above-referenced Corps criteria to enforce the Sutter Bypass easements. If appropriate, the Board will also use the Sutter Wildlife Refuge model to provide comments to the U.S. Fish and Wildlife Service on all activities that could affect water surface elevations in the Sutter Bypass, including, but not limited to, the Service's review of its Comprehensive Conservation Plan.

PASSED AND ADOPTED by vote of the Board on \_\_\_\_\_, 2008

Date: \_\_\_\_\_

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Benjamin F. Carter  
President

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Maureen Doherty  
Secretary